

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Tuition Program

Proposed New Rules: N.J.A.C. 10:133H-5

Authorized By: Gwendolyn L. Harris, Commissioner, Department  
of Human Services.

Authority: N.J.S.A 30:4c-101 et seq. (P.L. 2003, c.132) and 30:4C-  
4(c)

Calendar Reference: See Summary below for explanation of  
exception to calendar requirements.

Proposal Number: PRN 2003-432

Submit written comments by December 19, 2003 to:

Nancy Caplan  
Department of Human Services  
Division of Youth and Family Services  
Office of Policy, Planning and Support  
Tuition Program  
P.O. Box 717  
Trenton, New Jersey 08625-0717

The agency proposal follows:

### Summary

An act creating the “Statewide Tuition Waiver Program” was approved on July 17, 2003, N.J.S.A 30:4C-101 et seq. (P.L. 2003, c. 132). The Statewide Tuition Waiver Program was created for the purpose of providing State-paid tuition to certain students under the care and custody of the Division of Youth and Family Services.

As set forth in N.J.S.A 30:4C-101 et seq., the Department of Human Services was required to create a program which would provide for tuition payment for certain children in the care and custody of the Division. In order to qualify for the tuition program, the child must be 16 to 23 years of age; have a high school diploma or certificate of high school equivalency; have been granted admission to a New Jersey public institution of higher education or county vocational school; and have been in the custody of the Division, residing in an independent living arrangement or residing in a transitional living program.

Pursuant to N.J.S.A 30:4C-101 et seq., the Department of Human Services was given the latitude to promulgate rules and regulations to effectuate the purposes of the law pursuant to the Administrative Procedures Act, P.L. 1968, c. 410 (N.J.S.A. 52:14B-1 et seq.).

Review by the Department, in consultation with the Higher Education Student Assistance Authority, resulted in a determination of the appropriate procedure to follow with regard to program application, requirements, and participation, as reflected in these proposed new rules at N.J.A.C. 10:133H.

In addition, the heading of N.J.A.C. 10:133H has been renamed from “General Placement Requirements” to “General Placement Provisions,” to more accurately reflect the broader subject matter of the chapter.

N.J.A.C. 10:133H-5.1 and -5.2 describe that the purpose of the new rules is to establish criteria for eligibility and standard procedure for providing state paid tuition for certain children in the care and custody of the Division and limits the scope of the program to those who meet eligibility requirements as established by the new rules.

N.J.A.C. 10:133H-5.3 provides definitions as used in the Tuition Program subchapter. These definitions are in addition to those definitions provided in N.J.A.C. 10:133.

N.J.A.C. 10:133H-5.4 lays out the eligibility requirements for participation in the Tuition Program. The limits re-establish the eligibility requirements as set out in P.L. 2003, c. 132.

N.J.A.C. 10:133H-5.5 dictates the initial application process which an applicant for the Tuition Program must comply with in order to be

considered for the Tuition Program. It requires the applicant to complete and submit a Free Application for Federal Student Aid, and complete a Tuition Program Application. Furthermore, it lists all the necessary documentation an applicant must provide to the Department in order to be considered for the Tuition Program. Finally, it sets out that deadlines for applications will be established annually.

N.J.A.C. 10:133H-5.6 details the necessary steps that the Department must take upon the receipt of a Tuition Program application. It requires that the Department approve the application if it meets the necessary criteria and the applicant has complied with the application process.

N.J.A.C. 10:133H-5.7 requires that students should be notified by the Department regarding eligibility.

N.J.A.C. 10:133H-5.8 requires that a public institution or county vocational school notify the Department regarding the amount of tuition for a particular student, and also requires the Department to notify the institution or county vocational school regarding the approval of funds for a particular student.

N.J.A.C. 10:133H-5.9 provides for verification of enrollment and academic performance. Because there is a statutory requirement that students maintain good academic progress, this section provides the mechanism for monitoring that progress and communication between the public institutions or county vocational school and the Department. It

further requires the Department to confirm that the student registered as a full-time student. Finally, it provides for the public institutions to monitor student academic progress pursuant to the institutions definition of good academic standing.

N.J.A.C. 10:133H-5.10 clearly establishes that the Department is responsible for providing payment directly to the institution on behalf of the student.

N.J.A.C. 10:133H-5.11 provides a policy when a student receives various combinations of awards. The Tuition Program is limited to the amount of money necessary to meet the Tuition Program applicant's total cost of tuition, after Federal, State and institutional student financial assistance.

N.J.A.C. 10:133H-5.12 provides that specific procedure when there is an award adjustment, refund or collection issue. This provision provides for the necessary calculation process regarding refunds. Furthermore, it provides a mechanism for the Department to receive funds back which were not utilized by the student for tuition or fees.

N.J.A.C. 10:133H-5.13 specifically places the responsibility on an applicant or student to report any change in institution choice, so that the Department can properly determine where to send payment and if the student is still eligible. Furthermore, it requires institutions to report changes.

N.J.A.C. 10:133H-5.14 provides a renewal process, so that students can continue in the Tuition Program, without further application, as long as they maintain full-time status and are in good academic standing.

N.J.A.C. 10:133H-5.15 advises of an appeal process in the event that an applicant challenges the decision of the Tuition Program to deny his or her application or renewal.

The Department has provided a 60-day comment period on this notice of proposal. Therefore, this proposal is accepted from the rulemaking calendar requirements in accordance with N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The proposed rules will have a positive social impact by offering a funding source to children who have been under the care and custody of the Division who are interested in pursuing a college or post-secondary vocational education at a public institution of higher education or county vocational school in this State.

#### Economic Impact

The proposed rules should have a positive economic impact on children who have been under the care and custody of the Division who are

interested in pursuing a college or post-secondary vocational education at a public institution of higher education or county vocational school in this State. The Division of Youth and Family Services is currently applying for approximately \$800,000 in Education Training Vouchers under the John Chaffe Foster Care Independence Program (42 U.S.C. § 677). Further, the Division will seek funding from the U.S. Department of Health and Human Services, Administration for Children, Youth and Families pursuant to Title IV-B, subparts 1 and 2, Sections 420-425, 428, 430-437, and Title IV-E, Sections 471 - 472, 474 - 475, and 477 of the Social Security Act; Section 106 of the Child Abuse Prevention and Treatment Act, as amended (42 U.S.C. §§ 5101 et seq.). In addition, for applicants who do not qualify for these funds, additional funds will be sought through Temporary Assistance for Needy Families, Division of Family Development, Department of Human Services.

#### Federal Standards Statement

The proposed rules are not subject to Federal standards or requirements, and a Federal standards analysis is not applicable to the rulemaking.

#### Jobs Impact

The Division does not expect that the adoption of these rules will result in the generation or loss of any job.

### Agriculture Industry Impact

The proposed new rules have no impact on the agriculture industry.

### Regulatory Flexibility Statement

A Regulatory flexibility analysis is not required because the proposed new rule does not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. This Tuition Program has no effect on small businesses; it only affects individuals who are receiving funding to attend state institutions of higher education or county vocational schools, and such institutions and schools.

### Smart Growth Impact

The Division does not anticipate that the proposed new rule will have any impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows: (additions indicated in boldface thus; deletions indicated in brackets [thus]):